

REMARKS

The application has been amended to place it in condition for allowance at the time of the next Official Action.

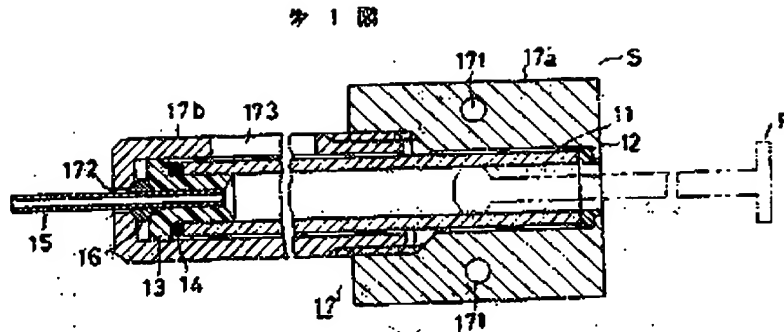
Claims 45-47 and 49-90 are pending in application. Claims 56 and 58-86 are withdrawn from consideration as being directed to a non-elected species.

Claims 45-47, 49-52, 87, 88 and 90 were rejected under 35 USC 102(b) as being anticipated by YAMASHITA JP 55-073352. That rejection is respectfully traversed.

Independent claim 45 recites that a base of the needle comes into direct contact with an end face of a hollow element. Emphasis added.

As set forth on pages 4 and 5 of the Official Action, the side faces of the needle base 13 is edged between the side faces of the hollow element 11. Thus, in YAMASHITA, the side faces of the needle base contact the hollow element. YAMASHITA never discloses that the base of the needle comes into direct contact with an end face of the hollow element.

Rather, as seen in Figure 1 of YAMASHITA, reproduced below, and as disclosed in the constitution of YAMASHITA, O-ring 14 is between the end face of reservoir 11 and base 13 to account for changes in the cylinder due to expansion and contraction.



As O-ring 14 is between cap 13 and main body 11, YAMASHITA does not disclose that an end face of main body 11 is in direct contact with cap 13. Rather, as set forth above, the O-ring 14 prevents direct contact. Thus, the identical invention is not shown. "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

As YAMASHITA does not disclose that which is recited, the anticipation rejection is not viable. Reconsideration and withdrawal of the rejection are respectfully requested.

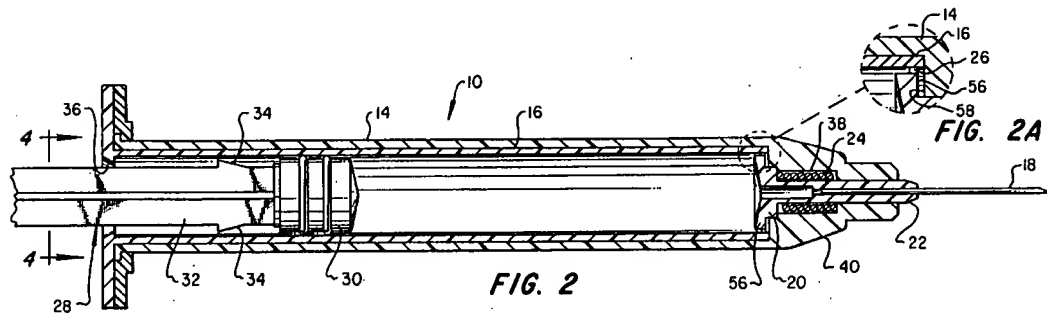
The dependent claims are believed patentable at least for depending from an allowable independent claim.

Claim 89 was rejected as anticipated by DeCHELLIS et al. 4,921,486. That rejection is respectfully traversed.

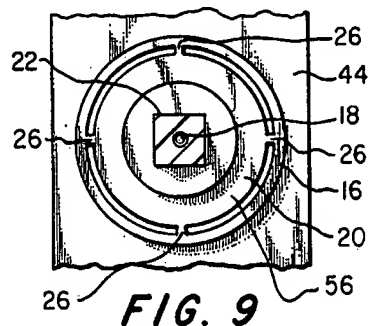
Independent claim 89 recites that the needle directly contacts an end face of the reservoir. Emphasis added.

By contrast, as seen in Figures 2 and 2a of DeCHELLIS, reproduced below, a plurality of frangible links 26 are at a side

face of the reservoir body 16 to keep the needle 18 in place (fixedly engaged) against the side of the reservoir body 16. That is, links 26 radially connect the needle 18 to a side wall of the reservoir body.



The end face of the reservoir in DeCHELLIS never contacts the needle. See Figure 9 of DeCHELLIS, reproduced below, wherein the links 26 space the reservoir from the needle 20, 56.



Rather, in order for DeCHELLIS to operate in the manner intended, so that the needle separates from the reservoir (at links 26), the needle of DeCHELLIS could never be in direct contact with an end face of reservoir as recited in claim 89.

As this reference does not disclose that which is recited, the anticipation rejection is not viable.

Reconsideration and withdrawal of the rejection are respectfully requested.

Claims 45 and 89 were rejected under 35 USC 102(b) as being anticipated by HIGGINS 3,110,309. That rejection is respectfully traversed.

Claim 45 recites that the piston comes into direct contact with said base of said needle.

In contrast, the cartridge 10 of HIGGINS includes a diaphragm 18 to prevent leakage from the cartridge 10. See Figure 1, and column 6, line 68 to column 7, line 3 and claim 1, lines 9-14. Such diaphragm prevents direct contact between the piston and the base of the needle.

Claim 89 recites a needle having a supporting base with a surface that matingly matches with said convex tip (of the piston), said piston directly contacting the supporting base.

As set forth above, the piston of HIGGINS never comes into direct contact with the base of the needle because the diaphragm prevents such contact. Moreover, even if the ring section 26 of HIGGINS were considered as the base, such ring section is flat and does not matingly match with the convex tip of the piston.

As this reference does not disclose that which is recited, the anticipation rejection is not viable. Reconsideration and withdrawal of the rejection are respectfully requested.

Claims 53-55 and 57 were rejected as unpatentable over YAMASHITA in view of HIGASHIKAWA 5,704,918. That rejection is respectfully traversed.

HIGASHIKAWA is only cited for the disclosure of an outer casing and two inner tubes that form a reservoir. HIGASHIKAWA does not disclose what is recited in claim 45. As set forth above, YAMASHITA does not disclose what is in claim 45. Since claims 53-55 and 57 depend from claim 45 and further define the invention, the proposed combination of references would not have been sufficient to render obvious claims 53-55 and 57.

Since the withdrawn claims depend from claim 45 and thus include all the limitations of claim 45, and since claim 45 is believed allowable, the withdrawn claims should be examined and allowed as part of the present application.

In view of the present amendment and the foregoing remarks, it is believed that the present application has been placed in condition for allowance. Reconsideration and allowance of all claims pending in the application are respectfully requested.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any

overpayment to Deposit Account No. 25-0120 for any additional  
fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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